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12 *Attorney for Petitioner Jonathan Donner

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 Jonathan Donner,
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17 Petitioner,
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19 v.
20 State of Nevada, *et al.*,
21
22 Respondents.
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Case No. 2:20-cv-01913-RFB-VCF

**Unopposed motion for extension of
time to file amended petition for a
writ of habeas corpus pursuant to
28 U.S.C. § 2254**

(Fifth Request)

1 **POINTS AND AUTHORITIES**

2 On September 4, 2020, the Federal District Court for the District of Nevada
3 received Petitioner Jonathan Donner's petition for habeas relief under 28 U.S.C. §
4 2254. ECF Nos. 1, 1-1, 1-2. The petition was filed on October 23, 2020,¹ and Donner
5 filed a Motion for Appointment of Counsel on November 2, 2020. ECF Nos. 3, 4. On
6 July 28, 2021, the Court ordered Donner to correct administrative deficiencies with
7 the petition. ECF No. 6. On August 14, 2021, Donner filed an amended petition
8 complying with the requests stated in the Court's previous order. ECF No. 8. On
9 September 3, 2021, the Court granted Donner's Motion for Appointment of Counsel
10 and appointed the Federal Public Defender to represent Donner. ECF No. 9. The
11 undersigned attorney filed her Notice of Appearance on September 23, 2021. ECF No.
12 11. The counseled amended petition is currently due August 1, 2022. ECF No. 21.

13 Petitioner Donner respectfully asks this Court to enter an order extending the
14 deadline for filing a counseled amended petition by 45 days from August 1, 2022, to
15 September 15, 2022.

16 This is Donner's fifth request for an extension of this deadline.

17 The undersigned attorney contacted opposing counsel on July 31, 2022, who
18 did not object to this request for an extension of time. Their lack of objection should
19 not be considered a waiver of any procedural defenses or challenges to the statute of
20 limitations, or construed as agreeing with the accuracy of the representations in this
21 motion.

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¹ It appears Donner initially sent his petition to the Ninth Circuit around
25 September 1, 2021 (*see* ECF No. 1-1 at 1), and the Ninth Circuit ultimately
26 transmitted the petition to this Court, *see* ECF No. 1-2. It is unclear whether this
27 Court filed the petition *sua sponte* or at the request of Donner. The petition (ECF No.
1-1) was initially attached to the transmittal letter from the Ninth Circuit Court of
Appeals.

1 Counsel has begun drafting the amended petition in this case but needs
2 additional time in light of her recent and upcoming schedule, as well as unanticipated
3 additional work caused by the United States Supreme Court's recent decision in
4 *Shinn v. Ramirez*, No. 20-1009 (U.S. May 23, 2022). Moreover, in the past 60 days,
5 counsel has had the following deadlines: on June 16, 2022, counsel filed a status
6 report in *Mkhitaryan v. LVMPD*, no. 2:20-cv-02169-ART-NJK (D. Nev.); on June 24
7 she filed an opposition to a motion to dismiss in *Crawley v. Cain*, no. 2:17-cv-02086-
8 RFB-CWH (D. Nev.); on July 14 she filed an opposition to a motion to dismiss in
9 *Coleman v. Gittere*, no. 3:19-cv-00172-RCJ-CSD (D. Nev.); on July 18 she filed a state
10 post-conviction petition in *Taylor v. Director, NDOC*, no. A-22-855607-W (8th Jud.
11 Distr. Ct.); and on July 25 a motion for leave to file a third amended petition in
12 *Herrada-Gonzalez v. Howell*, no. 2:20-cv-01013-GMN-DJA (D. Nev.).

13 Counsel had a legal visit with an inmate at High Desert State Prison on June
14 7, 2022, and Northern Nevada prison visits from June 23 through 26, 2022. Counsel
15 had to cover primary duty for another attorney all day on June 28, 2022, which
16 required her to represent individuals making initial appearances in federal court.
17 Counsel had legal conference calls with a client at Ely State Prison on June 10 and
18 27, 2022, and met with a client at Clark County Detention Center on June 29, 2022.
19 Counsel then spent the first week of July working on a pardons board application
20 which she submitted on July 6, 2022. Counsel submitted a parole board application
21 on behalf of a client on July 20, 2022. Counsel had legal conference calls with clients
22 at Ely State Prison on July 12 and 20, 2022. Counsel travelled to Northern Nevada
23 to visit clients at Lovelock Correctional Center on July 21 and 22, 2022. Counsel
24 travelled to Carson City on July 26 and 27 to represent a client before the parole
25 board. Counsel also had legal conference calls with clients at Ely State Prison on July
26 29, 2022. Finally, counsel travelled to Lovelock Correctional Center on July 30 and
27 31 to see a client who is on the September pardons board agenda.

1 In the coming 60 days, counsel will be travelling to: Ely State Prison on August
2 18 and 19 to see a new client and an existing client; and Carson City on September
3 19 and 20 to represent a client before the pardons board.

4 Counsel has the following filing deadlines in the next 60 days: an opposition to
5 a motion to dismiss in *Taylor v. Director, NDOC*, no. 2:20-cv-01962-GMN-DJA (D.
6 Nev.), due August 1, 2022; an opposition to a motion to dismiss in *Altheide v. State of*
7 *Nevada*, no. 2:19-cv-02245-JAD-BNW (D. Nev.), due August 11, 2022; an amended
8 petition in *Briones v. Reubart*, no. 3:22-cv-00087-MMD-CSD (D. Nev.), due August
9 17, 2022; an amended petition in *Ford v. Johnson*, no. 2:21-cv-01742-APG-DJA (D.
10 Nev.), due September 6, 2022; an answering brief in *Leeds v. Russell*, no. 21-16813
11 (9th Cir.) due September 8, 2022; a reply in support of an amended petition in
12 *Campbell v. Russell*, no 3:19-cv-00576-MMD-CSD (D. Nev.) on September 11, 2022.
13 Counsel will also be filing state petitions for two cases the week of August 1 in light
14 of the *Shinn* decision.

15 Accordingly, counsel respectfully requests this Court grant the request for an
16 extension of time to file the counseled amended petition for writ of habeas corpus in
17 order for the effective and thorough representation of Petitioner Donner in his federal
18 habeas action and order that the amended petition be filed no later than September
19 15, 2022.

20 Dated August 1, 2022.

21 Respectfully submitted,

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23 Rene L. Valladares
24 Federal Public Defender

25 /s/ Alicia R. Intriago

26 Alicia R. Intriago
27 Assistant Federal Public Defender

23 IT IS SO ORDERED:
24 IT IS FURTHER ORDERED that [21] Unopposed
25 Motion to Extend Time is DENIED AS MOOT.

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27 RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

DATED this 23rd day of August, 2022.

IT IS SO ORDERED:

United States District Judge

Dated: _____

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